IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4428 of 2005

Between:

P.Pitchaiah, S/o.Subba Rao
Karlapudi PPACS, Amaravathi Mandal, Guntur District.

... PETITIONER

AND

1 The Deputy Registrar for Cooperative Societies, Guntur, Guntur District.
2 The Karlapudi PACS, Amaravathi Mandal Guntur District
rep. by its Chairman/PIC.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents in not reinstating the petitioner in spite of favourable report by the Domestic Enquiry Officer, finding him not guilty and further action of the respondents in continuing the petitioner under suspension in spite of letter addressed by the 2nd respondent dt.12.1.2005 seeking permission of the 1st respondent for reinstatement of the petitioner as highly illegal, arbitrary and violative of Art.14 of the Constitution of India and Contrary to the provisions of A.P.C.S Act and rules made thereunder.

Counsel for the Petitioner:MR.G.V.SHIVAJI

Counsel for the Respondent No.1: GP FOR COOPERATION

The Court made the following:

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not reinstating the petitioner in spite of the favourable report issued by the Domestic Enquiry Officer finding him not guilty and also the action of the respondents in continuing the petitioner under suspension as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation and perused the material on record.

A regular departmental enquiry was conducted against the writ petitioner for certain irregularities said to have been committed by him. The Enquiry Officer, after conducting enquiry as contemplated under the A.P. Cooperative Societies Act, 1964 submitted a report to the disciplinary authority. As seen from the enquiry report, it is clear that the disciplinary authority also requested the Deputy Registrar of Cooperative Societies, Guntur to issue appropriate directions for reinstatement. Since the disciplinary authority has not taken a different view or stand than that of the findings of the Enquiry Officer, the 1st respondent has to take an appropriate decision in pursuance of the report submitted by the 2nd respondent-person-in-charge.

Having regard to the facts and circumstances of the case, I consider it appropriate to direct the 1st respondent to take an appropriate decision and issue necessary instructions to the 2nd respondent, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the

circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

10th March, 2005

bcj

To

1 The Deputy Registrar for Cooperative Societies, Guntur, Guntur District.
2 The Chairman/PIC, Karlapudi PACS, Amaravathi Mandal,
Guntur District.
3. Two CCs to G.P. for Cooperation, High Court Buildings,
Hyderabad. (OUT)

4 Two C.D. copies